

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ANTHONY BROOKS,

Case No. 3:20-cv-00189-JAD-WGC

Plaintiff

ORDER

V.

DIRECTOR – NEVADA DEPARTMENT OF
CORRECTIONS, *et al.*,

Defendants

I. DISCUSSION

Plaintiff, who is an inmate in the custody of the Nevada Department of Corrections (“NDOC”), has filed a notice of complaint. (ECF No. 1-1). Plaintiff has not filed a complaint or an application to proceed *in forma pauperis* in this matter.

Under Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. As such, the Court grants Plaintiff forty-five (45) days from the date of this order to submit a complaint to this Court.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate. Plaintiff will be granted an opportunity to file an application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff chooses to file an application to proceed *in forma pauperis*, he must file a fully complete application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate.

II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

IT IS FURTHER ORDERED that within **forty-five (45) days** from the date of this order, Plaintiff must either: (1) file a fully complete application to proceed *in forma pauperis*, on the correct form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50 administrative fee).

6 IT IS FURTHER ORDERED that Plaintiff will submit a complaint to this Court within
7 **forty-five (45) days** from the date of this order.

8 IT IS FURTHER ORDERED that the Clerk of the Court will send to Plaintiff the
9 approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The
10 Clerk of the Court will also send Plaintiff a copy of his notice of complaint. (ECF No. 1-
11 1).

IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order, dismissal of this action may result.

14 DATED: March 27, 2020

William G. Cobb
UNITED STATES MAGISTRATE JUDGE